

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

IN RE:

Bruce D Goodman
Karin L Goodman
Debtors

Case No: 15-33610
(Chapter 13)

JUDGE GUY R. HUMPHREY

**CHAPTER 13 TRUSTEE'S OBJECTION TO APPROVAL
OF MODIFIED PLAN (DOC 91)**

The Chapter 13 Trustee objects to approval of the Debtors' modified plan (Doc 91), and as provided by 11 U.S.C. §1302(b)(2) recommends the plan not be approved, all as more fully set forth in the attached memorandum.

The plan was confirmed on July 14, 2016 and was last modified on September 26, 2019.

_____/s/ John G. Jansing_____
John G Jansing #0040926
Chapter 13 Trustee
131 N. Ludlow St. Suite 900
Dayton, OH 45402-1161
(937) 222-7600 FAX (937) 222-7383
email: chapter13@dayton13.com

15-33610 GOODMAN

The Trustee submits that the amended plan fails to comply with the Local Rules of the United States Bankruptcy Court for the Southern District of Ohio under LBR 9013-3. The Debtors have failed to do a twenty-one day notice and have failed to properly notice the affected creditors as the Certificate of Service is not dated.

The Debtors have filed a modified plan that leaves the monthly plan payment set at \$775.00 and the percent to be paid to the general unsecured creditors remains set at 0%.

The Trustee's analysis is that the plan will not complete in 60 months as required by 11 U.S.C. §1322(d) and up to 84 months pursuant to the CARES Act. The plan appears to be closer to a 459 month plan. The Trustee's further analysis is that the plan would need payments of \$5152.00 per month to complete in up to 84 months.

The Debtors' plan payments are delinquent in the amount of \$9330.00. The Debtors should have paid \$43,400.00 in to the plan but have only paid \$34,070.00 to date. In addition, the Debtors were placed on payment probation starting March 18, 2020 but have failed to make any plan payments since February 2020.

The Debtors have incorrectly stated the current percent to be paid to general unsecured creditors. The current percent to be paid is 100%, not 0%. Furthermore, pursuant to the Agreed Order Prior to Confirmation (Doc. 15) filed December 15, 2015 and the Agreed Order Resolving Chapter 13 Trustee's Objection and Approving Modified Plan at Bar (Doc. 75) filed November 7, 2019, the percent to be paid to general unsecured creditors must remain at 100% because the Debtors have equity in real estate and personal property.

m

CERTIFICATE OF SERVICE

15-33610

I hereby certify that a copy of the Chapter 13 Trustee's Objection To Approval Of Modified Plan was served **electronically** on the date of the filing through the Court's ECF System on all ECF participants registered in this case at the email address registered with the court and by **First Class Mail** on August 6, 2020 addressed to:

Bruce D Goodman
3741 Marshall Road
Kettering, OH 45429

Karin L Goodman
151 Taylors Trace
Albany, KY 42602

John G Jansing, Trustee

/s/ John G Jansing